

Pending action on final passage,
Senator Terrell moved to adjourn until
tomorrow 10 a. m.

Lost by the following vote:

Yeas—8.

Burns.	McGee.
Goss.	Potter.
James.	Terrell.
Kerr.	Yantis.

Nays—21.

Atlee.	Morriss.
Davidson.	Neal.
Dibrell.	Odell.
Gough.	Ross.
Greer.	Sebastian.
Grinnan.	Stafford.
Hanger.	Stone.
Lewis.	Turney.
Linn.	Wayland.
Lloyd.	Yett.
Miller.	

Absent.

Johnson. Patterson.

The bill was then read in full at the
request of Senator Yantis.

By Senator Yantis:

"Amend by adding at the end of the
bill the following, 'provided, all such con-
tracts shall be let and such printing done
within the State of Texas.'"

Adopted.

By Senator Terrell:

"Provided further, that the printing
of such blanks be printed in each county
where used if it can be done as cheaply
as elsewhere."

Adopted.

By Senators Miller and Hanger:

"Further amend by adding to Section
1, 'and all such printing shall bear the
union label.'"

Lost.

Senator Yantis moved that further
consideration of the bill be indefinitely
postponed.

Lost by the following vote:

Yeas—8.

Goss.	Terrell.
Greer.	Turney.
James.	Yantis.
McGee.	Yett.

Nays—20.

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Gough.	Odell.
Grinnan.	Potter.
Hanger.	Sebastian.
Kerr.	Stafford.
Lewis.	Stone.
Linn.	Wayland.

Absent.

Johnson. Ross.
Patterson.

Senator Yantis moved to adjourn until
10 a. m. tomorrow.

Lost.

Senator Goss moved to adjourn until
9:55 a. m. tomorrow.

Lost by the following vote:

Yeas—11.

Burns.	Terrell.
Goss.	Turney.
James.	Wayland.
Lewis.	Yantis.
McGee.	Yett.
Sebastian.	

Nays—17.

Atlee.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Gough.	Neal.
Greer.	Odell.
Grinnan.	Potter.
Hanger.	Stafford.
Kerr.	Stone.
Linn.	

Absent.

Johnson. Ross.
Patterson.

Senator Terrell moved to reconsider
the vote by which the amendment offered
by Senators Miller and Hanger was lost.
Reconsidered.

By Senator Terrell:

"Amend the amendment by adding to
it the words 'when practicable.'"

Pending action,

On motion of Senator James the Sen-
ate adjourned until 10 a. m. tomorrow.

FIFTEENTH DAY.

Senate Chamber,
Austin, Tex., Thursday, Feb. 15, 1900.

The Senate met pursuant to adjourn-
ment.

Lieutenant-Governor Browning in the
chair.

Roll called. Quorum present, the fol-
lowing Senators answering to their
names:

Atlee.	Kerr.
Burns.	Lewis.
Davidson.	Linn.
Dibrell.	Lloyd.
Goss.	McGee.
Greer.	Miller.
Grinnan.	Morriss.
James.	Neal.
Johnson.	Odell.

Patterson.
Potter.
Sebastian.
Stafford.
Stone.

Terrell.
Turney.
Wayland.
Yantis.

Absent.

Gough.
Hanger.

Ross.
Yett.

Prayer by the Chaplain, Rev. C. B. Garrett.

Pending the reading of the Journal of yesterday,

On motion of Senator McGee, the same was dispensed with.

COMMITTEE REPORTS.

MAJORITY REPORT.

Committee Room,
Austin, Texas, February 15, 1900.
Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Public Buildings and Grounds, to whom was referred

Senate bill No. 19, being a bill to be entitled "An Act to dedicate the north half of block 124 in the city of Austin, as a site for the establishment of a public library for the people of the State, and to constitute the city of Austin a trustee to erect thereon a library building, and to supply, maintain and control such public library,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do pass*.

JOHNSON, Chairman.

MINORITY REPORT.

Committee Room,
Austin, Texas, February 15, 1900.
Hon. J. N. Browning, President of the Senate.

SIR: We, a minority of your Committee of Public Buildings and Grounds, to whom was referred

Senate bill No. 19, being a bill to be entitled "An Act to dedicate the north half of block 124 in the city of Austin, as a site for the establishment of a public library for the people of the State, and to constitute the city of Austin a trustee to erect thereon a library building, and supply, maintain and control such public library,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do not pass*.

JOHNSON,
LLOYD.

Committee Room,
Austin, Texas, February 15, 1900.
Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 11, being a bill to be entitled "An Act to provide a uniform method of electing trustees in independent school districts; defining the duties of such trustees, and repealing Act of March 30, 1899, and also Articles 4001, 4017, 4007, 4008, 4009, 4010 and 4012, Revised Statutes, and all other laws, both general and special, in conflict with the provisions of this act, and providing an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the attached committee substitute *do pass* in lieu of the original bill.

GOSS, Chairman.

S. S. B. No. 11.] [By Committee.

A BILL

TO BE ENTITLED

"AN ACT to provide a uniform method of selecting trustees in independent school districts, defining the duties of such trustees, the time and manner of election, also the appointment of trustees by the city council under certain conditions, validating the acts of trustees heretofore elected or appointed, and continuing such trustees in office until their successors are legally chosen and qualified, repealing Act of March 30, 1899, Chapter LI, General Laws, passed by the Twenty-sixth Legislature, also Articles 4001, 4007, 4008, 4009, 4010, 4011, 4012, 4017, 4018, 4019, 4020, 4021, 4022, and all other laws or parts of laws, both special and general, in conflict with the provisions of this act, and providing an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That there shall be elected on the first Saturday in May, 1900, in each independent school district in this State, subject to the exceptions herein-after named, seven trustees, who shall constitute the school board of such independent district, and all of whom shall serve without compensation, and the provisions of this act shall also apply to cities operating under special charter.

Sec. 2. The terms of office of the seven trustees chosen at the first election under this act shall be divided into two

classes, and the members shall draw for the different classes, the four members drawing the numbers one, two, three and four shall serve for one year, that is, until May, 1901, and until their successors are elected and qualified, and the three members drawing the numbers five, six and seven shall serve for two years, that is, until May, 1902, and until their successors are elected and qualified, and regularly thereafter on the first Saturday in May of each year four trustees and three trustees alternately shall be elected for a term of two years, to succeed the trustees whose term shall at that time expire.

Sec. 3. The county judge of each county shall order, for each and every independent school district in the county, of which he is county judge, the first election required to be held under this act; and thereafter all such elections shall be ordered by the board of trustees of each independent school district. And such order shall be made at least ten days before the date of election, and a notice of the order shall be placed at three different places in the district. The county judge or board of school trustees, as the case may be, at the time of ordering such election, shall appoint persons to hold the election, and shall designate the places where the polls shall be open. All such elections shall be held in accordance with the State law governing elections; and returns of such elections shall be made to the county judge or board of school trustees, as the case may be, in the same manner as election returns are made under such State law. The county judge or board of school trustees, as the case may be, shall canvass such returns, declare the result of such election, and issue certificates of election to the persons shown by such returns to be elected.

Sec. 4. The trustees chosen under this act shall meet within twenty days after their election, or as soon thereafter as possible, for the purpose of organizing. A majority of said board shall constitute a quorum to do business, and they shall choose a president, secretary, treasurer, and other necessary officers and committees. The treasurer elected shall be required to give bond in double the estimated amount of the receipts coming annually into his hands; said bond shall be made payable to the president of the board, or his successor in office, and be approved by the board of trustees. The board shall furthermore be authorized and empowered, when a necessity exists, to appoint an assessor and collector of taxes for such independent district, who shall give such bond as the board of trus-

tees may require, to be approved by said board of trustees.

Sec. 5. Before any trustee enters upon the discharge of the duties of his office he shall swear that he will faithfully and impartially discharge the duties of such office, and his affidavit to that effect shall be filed after the first election with the county judge, and after all subsequent elections with the president or chairman of the school board.

Sec. 6. Said board of trustees shall adopt such rules, regulations and by-laws as they may deem proper, and the public free schools of such independent district shall be under their control, and they shall have the exclusive power to manage and govern said schools, and all rights and titles to property for school purposes heretofore vested in city councils or school trustees by Articles 3995, 4013, or 4032, Revised Statutes of 1895, shall be vested in said board of trustees and their successors in office, and their claims shall apply to any action or suit now pending or which may hereafter arise to which said board are parties. It is further provided, that in such cities and towns as may now or hereafter constitute independent school districts, and where a special tax for school purposes has been voted by the people or provided by special charter, not exceeding one-half of one per cent., it shall be the duty of said board of trustees to determine what amount of said tax will be necessary for the maintenance of the schools for each current school year, and it shall become the duty of the city council, upon the requisition of the said board of trustees, to annually levy and collect said tax as other taxes are levied and collected, and said tax, when collected, shall be placed at the disposal of the said school board to be used for the maintenance and support of the public free schools of such independent district.

Sec. 7. All the qualified voters of each independent district shall be entitled to vote at a trustee's election, and the seven candidates receiving the largest number of votes at the election held on the first Saturday in May, 1900, shall be the trustees for such independent district, and the four candidates receiving the largest number of votes on the first Saturday in May, 1901, and at all subsequent trustees' election, the three or the four candidates, as the case may be, shall be entitled to serve as trustees for the full term for which they are elected.

Sec. 8. When a vacancy occurs in the board of school trustees in any independent school district, the remaining mem-

bers of such board shall fill the vacancy by electing a person to fill the office for the unexpired portion of the term of the prior incumbent thereof.

Sec. 9. Towns and cities which have heretofore chosen their trustees by appointment of the city council or board of aldermen, under the provisions of Article 4018, Revised Statutes, shall be authorized to continue to choose their trustees in this manner,—that is, by the appointment of the board of aldermen of said city or town; provided, that seven trustees shall be appointed at first, four of whom shall serve for one year, and three for two years, and at regular intervals of one year thereafter four trustees and three trustees alternately shall be appointed each year, for a term of two years; and further provided, that on a petition of fifty voters of any such city or town, the mayor of such city or town shall order an election to determine whether or not the school affairs of such city or town shall be directed by a school board elected in accordance with the provisions of this act, and, in case of an affirmative vote, an election shall at once be ordered by the said mayor for the purpose of choosing a school board consisting of seven trustees, as provided in Section 1 of this act.

Sec. 10. At any time hereafter, it shall be lawful for any town or village which may desire to incorporate for school purposes only, to make application to the county judge for the organization of an independent school district, as provided for by the general statutes governing such cases, and for the election of a board of trustees, as provided in this act, and, on receipt of such application, it shall be the duty of the county judge to proceed, as required in Section 3 of this act.

Sec. 11. Trustees and school officers heretofore appointed or elected in independent school districts are hereby continued in office until the election and qualification of trustees, as provided for in Section 1 of this act, and the official acts and proceedings of boards of trustees in independent school districts heretofore elected or appointed and operating under former Acts of the Legislature of this State, and particularly under an Act approved March 30, 1899, entitled "An Act to provide a uniform method of electing school trustees in independent districts," are hereby validated, ratified and confirmed, and the Act of March 30, 1899, Chapter LI, General Laws, passed by the Twenty-sixth Legislature, and also Articles 4001, 4007, 4008, 4009, 4010, 4011, 4012, 4017, 4018, 4019, 4020, 4021, 4022,

and all other laws or parts of laws, both special and general, in conflict with the provisions of this act are hereby repealed.

Sec. 12. The fact that there are at present no adequate provisions for the proper control and management of the public schools in independent school districts, and for the protection of property dedicated to the use and benefit of such public schools, creates an emergency and imperative public necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, February 14, 1900.

Hon. Jas. N. Browning, President of the Senate.

SIR: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 5, being "An Act to amend Section 1, of Chapter CXXXVII, of the Acts of the Twenty-sixth Legislature, approved May 23, 1899, so as to require sale of detached lands after they are put upon the market by the Commissioner of the General Land Office; reserving preference rights of purchase to certain parties, and requiring sale of timber lands for cash,"

And find the same correctly engrossed.

JAMES, Chairman.

Call concluded.

PENDING BUSINESS.

The Chair laid before the Senate, on third reading, pending business,

Senate bill No. 14, A bill to be entitled "An Act to amend Articles 5127, 5128, and 5166, of the Revised Statutes of the State of Texas, relating to the matter of furnishing blanks, rolls and tax receipts for the assessment, rendition and collection of taxes to the various assessors and tax collectors of the counties in this State," action being on the amendment by Senator Terrell to the amendment by Senators Miller and Hanger, they being to wit:

By Senators Miller and Hanger:

"Further amend by adding to Section 1, 'and all such printing shall bear the union label.'"

By Senator Terrell:

"Amend the amendment by adding to it the words 'when practicable.'"

Pending action,

On motion of Senator Burns, pending business was suspended in order to take up, on third reading.

Senate bill No. 6, A bill to be entitled "An Act making appropriations for deficiencies in the appropriations heretofore made for the payment of expenses in support of the State government from March 1, 1899, to February 28, 1901, being for claims registered in the Comptroller's office in accordance with law, and for outstanding claims not registered, and for other deficiencies."

The bill was read a third time.

By Senator Dibrell:

"Amend the bill by adding thereto Section 2, as follows:

"Section 2. The fact of the near approach of the close of this session of the Legislature, and the fact that this bill provides for the erection of several public buildings of urgent public necessity, and the fact that provision is made for many deficiencies in the appropriations heretofore made, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

By Senator Dibrell:

"Amend by inserting between lines 27 and 28, page 4, the following: 'To refund to purchasers of the public domain the filing fees paid the Commissioner of the General Land Office on locations made under Act of July 14, 1879, and amended in 1881, when field notes were returned, but sales were not made by the State; provided, it shall be ascertained that such purchasers who paid filing fees in compliance with said act, in all other respects complied with the law and were not instrumental in preventing such sales; and provided, all such claims shall be audited by the Treasurer, and approved by the Attorney-General and the Governor, as to correctness of claims and the amount of and to whom due before the Comptroller shall be authorized to issue his warrants; and provided, all such claims shall be presented before July 1, 1901, \$5000.'"

Adopted.

The bill as amended was passed by the following vote:

Yeas—25.

Atlee.	Hanger.
Burns.	James.
Davidson.	Johnson.
Dibrell.	Kerr.
Goss.	Lewis.
Greer.	Linn.
Grinnan.	Lloyd.

McGee.	Stafford.
Miller.	Stone.
Morriss.	Terrell.
Neal.	Wayland.
Patterson.	Yantis.
Sebastian.	

Nays—1.

Potter.

Absent.

Gough.	Turney.
Ross.	Yett.

Present—Not voting.

Odell.

PENDING BUSINESS.

The Senate resumed consideration of pending business, Senate bill No. 14 (see caption above), action being on the amendment by Senator Terrell to the amendment by Senators Miller and Hanger (see above).

The amendment to the amendment (Terrell's) was adopted.

The amendment as amended was adopted.

Pending further action,

Senator Yantis moved to postpone further consideration until next Monday, and that the bill be printed.

Lost by the following vote:

Yeas—12.

Atlee.	Patterson.
Goss.	Sebastian.
Greer.	Terrell.
James.	Turney.
Kerr.	Wayland.
McGee.	Yantis.

Nays—15.

Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Grinnan.	Odell.
Hanger.	Potter.
Lewis.	Stafford.
Linn.	Stone.
Lloyd.	

Absent.

Gough.	Yett.
Ross.	

Senator Terrell moved to postpone further consideration until tomorrow after call, and that the bill be printed.

Senator Hanger made the point of order that the committee report recommending that the bill be not printed had been adopted, and that a motion to print was not in order.

The Chair ruled that the committee report had not been adopted by affirmative

action of the Senate; that the custom of the Senate when a bill was reported favorably no action was taken on the committee report, and *that the motion was in order.*

Senator Atlee called for a division of the question.

The question, on subdivision 1 of the motion, was put: "Shall the bill be postponed till tomorrow?"

Lost by the following vote:

Yeas—13.

Atlee.	Potter.
Goss.	Sebastian.
Greer.	Terrell.
James.	Turney.
Kerr.	Wayland.
McGee.	Yantis.
Patterson.	

Nays—14.

Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
Lewis.	Stafford.
Linn.	Stone.

Absent.

Gough.	Ross.
Johnson.	Yett.

The question, on subdivision 2 of the motion, was put: "Shall the bill be printed?"

Lost by the following vote:

Yeas—12.

Atlee.	Potter.
Goss.	Sebastian.
Greer.	Terrell.
James.	Turney.
McGee.	Wayland.
Patterson.	Yantis.

Nays—15.

Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
Johnson.	Stafford.
Kerr.	Stone.
Lewis.	

Absent.

Gough.	Ross.
Linn.	Yett.

By Senator Yantis:

"Amend by striking out in Article 5128 the words 'at the expense of the county,' and insert in lieu thereof the following: 'At the expense of the State.'"

Lost by the following vote:

Yeas—13.

Atlee.	Patterson.
Burns.	Sebastian.
Goss.	Terrell.
Greer.	Turney.
James.	Wayland.
Lloyd.	Yantis.
McGee.	

Nays—14.

Davidson.	Miller.
Dibrell.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
Kerr.	Potter.
Lewis.	Stafford.
Linn.	Stone.

Absent.

Gough.	Yett.
Ross.	

Present—Not voting.

Johnson.

By Senator Yantis:

"Amend Article 5166 by striking out 'at the expense of the county,' and insert in lieu thereof 'at the expense of the State.'"

Lost by the following vote:

Yeas—13.

Atlee.	Patterson.
Goss.	Sebastian.
Greer.	Terrell.
James.	Turney.
Kerr.	Wayland.
Lloyd.	Yantis.
McGee.	

Nays—15.

Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Grinnan.	Odell.
Hanger.	Potter.
Johnson.	Stafford.
Lewis.	Stone.
Linn.	

Absent.

Gough.	Yett.
Ross.	

Pending action on final passage, Senator Yantis moved a call of the Senate, which was ordered, the following Senators answering to their names:

Atlee.	Hanger.
Burns.	James.
Davidson.	Johnson.
Dibrell.	Kerr.
Goss.	Lewis.
Greer.	Linn.
Grinnan.	Lloyd.

McGee.	Sebastian.
Miller.	Stafford.
Morriss.	Stone.
Neal.	Terrell.
Odell.	Turney.
Patterson.	Wayland.
Potter.	Yantis.

Absent.

Gough.	Yett.
Ross.	

Senator Miller moved to excuse the absentees.

Excused by the following vote:

Yeas—23.

Atlee.	Lloyd.
Burns.	Miller.
Davidson.	Morriss.
Dibrell.	Neal.
Greer.	Odell.
Grinnan.	Potter.
Hanger.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	

Nays—5.

Goss.	Terrell.
McGee.	Yantis.
Patterson.	

Absent.

Gough.	Yett.
Ross.	

The bill was then passed by the following vote:

Yeas—16.

Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
Johnson.	Potter.
Lewis.	Stafford.
Linn.	Stone.

Nays—11.

Atlee.	Patterson.
Goss.	Sebastian.
Greer.	Terrell.
James.	Turney.
Kerr.	Yantis.
McGee.	

Absent.

Gough.	Yett.
Ross.	

Present—Not voting.

Wayland.

Senator Stafford moved to reconsider the vote by which the bill was passed, and to lay that motion on the table.

The motion to table prevailed by the following vote

Yeas—16.

Atlee.	Linn.
Burns.	Lloyd.
Davidson.	Miller.
Dibrell.	Morriss.
Grinnan.	Neal.
Hanger.	Odell.
Johnson.	Stafford.
Lewis.	Stone.

Nays—12.

Goss.	Potter.
Greer.	Sebastian.
James.	Terrell.
Kerr.	Turney.
McGee.	Wayland.
Patterson.	Yantis.

Absent.

Gough.	Yett.
Ross.	

(Senator Potter in the chair.)

PENDING BUSINESS.

The Chair laid before the Senate, pending business,

Senate bill No. 9, A bill to be entitled "An Act to prevent the running of more than one working locomotive on one train on any railroad, and providing a penalty and remedy for the violation of the provisions of said act," action being on the adoption of the amendment (substitute) offered by Senator Greer (see Journal of yesterday's morning session).

Pending discussion,

RESOLUTION OF RESPECT.

By unanimous consent, the following resolution was offered:

By Senator Dibrell:

Resolved by the Senate of Texas, That the death of the Hon. W. O. Hutchison, of San Marcos, formerly an honored member of this body, is learned with sorrow. Major Hutchison was in legal circles regarded as a profound and learned lawyer, in politics a patriotic and pure citizen, and in private life an amiable and lovable character.

Resolved further, That when the Senate adjourns today that it be in respect to the memory of Major W. O. Hutchison.

Adopted.

Senator Patterson moved that a page of the Journal be set apart for the appropriate publication of the above resolution.

So ordered.

On motion of Senator Miller, the Senate adjourned to 3 o'clock p. m. today.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Ross.
James.	Sebastian.
Johnson.	Stafford.
Kerr.	Stone.
Lewis.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.
Miller.	

Absent.

Dibrell.	Hanger.
Gough.	Yett.

EXCUSED.

On motion of Senator Sebastian, Senator Hanger was excused for this evening on account of sickness in his family.

HOUSE MESSAGE.

The following message from the House was received:

Hall of the House of Representatives.
Austin, Texas, February 15, 1900.

Hon. J. N. Browning, President of the Senate.

MR. PRESIDENT: I am directed by the House to inform the Senate that the House has passed the following bill, to-wit:

House bill No. 19, "An Act to provide a uniform method of selecting trustees in independent school districts, defining the duties of such trustees, the time and manner of election; also the appointment of trustees by the city council under certain conditions; validating the acts of trustees heretofore elected or appointed, and continuing such trustees in office until their successors are legally chosen and qualified; repealing Act of March 30, 1899, Chapter LI, General Laws, passed by the Twenty-sixth Legislature; also Articles 4001, 4007, 4008, 4009, 4010, 4011, 4012, 4017, 4018, 4019, 4020, 4021, 4022, and all other laws or parts of laws, both special and general, in conflict with the provisions of this act,

and providing an emergency," with amendment.

Respectfully,

MARK LOGAN,

Assistant Chief Clerk House of Representatives.

IN SENATE.

The above reported House bill No. 19 was read first time, and referred to the Committee on Education.

PENDING BUSINESS.

The Chair laid before the Senate, on second reading,

Senate bill No. 9, A bill to be entitled "An Act to prevent the running of more than one working locomotive on one train on any railroad, and providing a penalty and remedy for the violation of the provisions of said act," action being on the amendment (substitute) offered by Senator Greer (see Journal of yesterday, morning session).

After discussion, Senator Miller moved the previous question on the amendment (substitute), which was duly seconded and ordered.

The amendment (substitute) was adopted by the following vote:

Yeas—15.

Davidson.	Morriss.
Dibrell.	Neal.
Greer.	Ross.
James.	Sebastian.
Kerr.	Stone.
Linn.	Terrell.
Lloyd.	Wayland.
McGee.	

Nays—10.

Burns.	Miller.
Goss.	Odell.
Grinnan.	Patterson.
Johnson.	Potter.
Lewis.	Yantis.

PAIRED.

Senator Atlee, present, who would vote *yea* with Senator Gough, absent, who would vote *nay*.

Senator Stafford, present, who would vote *nay* with Senator Yett, absent, who would vote *yea*.

Senator Turney, present, who would vote *yea* with Senator Hanger, absent, who would vote *nay*.

Pending action on the engrossment of the bill, as amended, the following amendment was offered:

By Senator Grinnan:

"Amend the substitute by striking out Section 1 and insert the following:

"Section 1. It is an abuse of its

franchise and privileges for any railroad company, or receiver, operating a line of railroad in this State to run or operate more than one working locomotive at the same time in propelling or moving any one train of cars, except in moving trains up steep grades or where a locomotive propelling the train becomes temporarily disabled after leaving the terminal; and it shall be the duty of the Railroad Commission to investigate such abuses and see that the same are corrected, regulated or prohibited as hereinafter provided."

By Senator Atlee:

"Amend the amendment:

"Strike out the words 'it is,' in line 1, and in lieu insert the following, 'where an unreasonable degree of increased hazard results to its employes it is hereby declared to be.'"

Adopted by the following vote:

Yeas—15.

Atlee.	McGee.
Burns.	Morriss.
Dibrell.	Neal.
Goss.	Sebastian.
Greer.	Stone.
James.	Terrell.
Kerr.	Wayland.
Linn.	

Nays—9.

Grinnan.	Odell.
Johnson.	Patterson.
Lewis.	Potter.
Lloyd.	Yantis.
Miller.	

Absent.

Gough.	Ross.
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Present—Not voting.

Davidson.

PAIRED.

Senator Stafford, present, who would vote *nay* with Senator Yett, absent, who would vote *yea*.

Senator Turney, present, who would vote *yea* with Senator Hanger, absent, who would vote *nay*.

The amendment, as amended, was adopted.

By Senator Odell:

"Amend by adding:

"Sec. 3a. Employes of railway companies employed by said companies in the operation of trains within this State propelled by two or more engines shall not be held to assume the risk (if any there be) incident to their employment; provided, they be injured while engaged in operation of such trains; and provided further, that such injury was occasioned

by reason of the operation of two or more engines on such train instead of one."

Senator Burns made the point of order that the amendment was not germane because there was a law of like import now on the statutes of Texas.

The Chair ruled that it was not in his province to determine whether the matter proposed in the amendment was law.

The amendment was adopted by the following vote:

Yeas—19.

Davidson.	Neal.
Greer.	Odell.
Grinnan.	Patterson.
James.	Potter.
Johnson.	Sebastian.
Lewis.	Stafford.
Linn.	Terrell.
Lloyd.	Turney.
McGee.	Yantis.
Miller.	

Nays—6.

Atlee.	Kerr.
Burns.	Morriss.
Dibrell.	Stone.

Absent.

Goss.	Ross.
Gough.	Yett.
Hanger.	

Present—Not voting.

Wayland.

Senator Odell moved to reconsider the vote by which the amendment was adopted, and to lay that motion on the table.

Carried.

Pending further action,

Senator Morriss moved to adjourn until 10 a. m. tomorrow.

Lost by the following vote:

Yeas—5.

Atlee.	Morriss.
Dibrell.	Neal.
Kerr.	

Nays—22.

Burns.	Miller.
Davidson.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Stafford.
Johnson.	Stone.
Lewis.	Terrell.
Linn.	Turney.
Lloyd.	Wayland.
McGee.	Yantis.

Absent.

Gough.	Ross.
Hanger.	Yett.

By Senator Odell:

"Amend the caption by adding the following, 'and to define an abuse, and to provide that railway employes shall not be held to assume the risk of injury when engaged in the operation of trains propelled by two or more engines.'"

Adopted.

The bill, as amended, was ordered engrossed.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put upon its third reading and final passage by the following vote:

Yeas—25.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	

Nays—1.

Morriss.

Absent.

Gough.	Stafford.
Hanger.	Yett.
Ross.	

The bill was read a third time and passed by the following vote:

Yeas—25.

Atlee.	McGee.
Burns.	Miller.
Davidson.	Neal.
Dibrell.	Odell.
Goss.	Patterson.
Greer.	Potter.
Grinnan.	Sebastian.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Linn.	Yantis.
Lloyd.	

Nays—1.

Morriss.

Absent.

Gough.	Stafford.
Hanger.	Yett.
Ross.	

Senator Yantis moved to reconsider the

vote by which the bill was passed, and to lay that motion on the table.

Carried.

COMMITTEE REPORT.

The following committee report was made:

Committee Room,
Austin, Texas, February 15, 1900.

Hon. J. N. Browning, President of the Senate.

SIR: Your Committee on Educational Affairs, to whom was referred

House bill No. 19, being A bill to be entitled "An Act to provide a uniform method of selecting trustees in independent school districts; defining the duties of such trustees, the time and manner of election; also the appointment of trustees by the city council under certain conditions; validating the acts of trustees heretofore elected or appointed, and continuing such trustees in office until their successors are legally chosen and qualified; repealing Act of March 30, 1899, Chapter LI, General Laws, passed by the Twenty-sixth Legislature; also Articles 4001, 4007, 4008, 4009, 4010, 4011, 4012, 4017, 4018, 4019, 4020, 4021, 4022, and all other laws and parts of laws, both special and general, in conflict with the provisions of this act, and providing an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it *do* pass.

Floor report—Goss, Patterson, Stone, Grinnan, Linn, Terrell, Potter, Morriss.
GOSS, Chairman.

EXECUTIVE MESSAGE.

The following message from the Governor was received, which was read and referred to the Committee on Finance:

To the Legislature:

I herewith submit for the consideration of the Legislature, and for such action as may be deemed advisable in the premises, a communication to me from a committee representing the John B. Hood Camp of Confederate Veterans of Austin, Texas, as follows:

Austin, Texas, February 15, 1900.

Hon. Joseph D. Sayers, Governor of Texas, Austin, Texas.

DEAR SIR: Our attention has been directed to a resolution passed by the Senate on the 13th instant, protesting against the Confederate monument being built on the site ceded to the John B.

Hood Camp, by the Twenty-fourth Legislature.

While we believe we have vested rights in the site selected, and that any action, so far, upon the part of the present Called Session of the Legislature, is without authority and cannot effect our rights, yet, we, recognize that the resolution above referred to is an expression of the opposition to the location of the monument and we, desiring to act in harmony with the government, are willing to release our rights to the site selected, if the State of Texas will reimburse the board of trustees of the John B. Hood Camp for the money so far expended on the foundation and hold us harmless against the demands of the contractor by reason of any change of location, say in the sum of \$1,200 in the aggregate, and we respectfully ask that you send a message to the Legislature now in session, requesting an appropriation of \$1,200 for that purpose.

We herewith furnish you with a statement of the manner in which we obtained the site and under which we have expended a part of our monumental fund upon the foundation.

Respectfully,
(Signed) W. VON ROSENBERG,
FRED CARLTON,
HENRY E. SHELLEY,
Committee.

That by a Concurrent Resolution of the Twenty-fourth Legislature, approved March 16, 1895, the said camp was granted permission to erect a monument to the Confederate dead on the capitol grounds, in the city of Austin, and that the Superintendent of Public Buildings and Grounds was authorized, in conjunction with the committee appointed by said camp, to select a site for said monument.

That the Superintendent and the committee met, went over the grounds, and the former agreed to give 24 by 12 feet of the capitol ground outside the entrance to the enclosure; provided, the city of Austin would give a like piece of ground, 24 by 12 feet out of Eleventh street.

That the city of Austin did, by ordinance, dated April 1, 1895, grant to the camp the part of Eleventh street.

That J. R. Mobley, Superintendent of Public Buildings and Grounds, after obtaining the views of Governor C. A. Culberson, had a dedication of the grounds written out by the Attorney-General, M. M. Crane, signed and delivered to same, describing the same as follows:

The point where the center line of Congress Avenue intersects the southern line

of the original capitol grounds, that is the northern boundary of Eleventh street, to be the center of the mound grounds, to be twenty-four feet square around said center, in lines parallel and right angular to the line of Eleventh street.

That Governor Culberson, upon being seen by the said Superintendent and the said committee, approved of the selection; provided, before the contract be let, the plan of the monument to be laid before the Governor, in order to prevent the erection of a structure that might interfere with the view to and from the capitol.

That on the 25th of April, 1895, said camp entered upon the ground, took possession of the same, by breaking the same and placing therein a solid foundation, about 8 feet deep, consisting of cement, gravel and granite spawls, at an expense of about \$900.

That the ground thus prepared remained uncovered and showed itself distinctly from the sidewalk, to the eye of every passer-by. That during the session of the Twenty-fifth Legislature, the site selected for the monument was thus visibly exposed, and no objection to the same was made by said Legislature.

That for financial reasons, said camp was prevented from erecting the monument within the time desired, upon the suggestion of Mr. J. R. Mobley, the place was covered with cement flagging, to correspond with the sidewalk.

That in the month of June, 1899, arrangements having been completed for the erection of the monument, a committee of said camp waited upon Governor Joseph D. Sayers and submitted the plan of the monument, as was agreed to verbally with Governor C. A. Culberson. Whereupon, Governor Sayers agreed to the plan, at the same time making some valuable suggestions.

That every condition having been complied with, a contract was made with Frank Tiech for the erection of the monument on the ground and upon the foundation provided for, for the sum of \$15,000.

That said camp has acted throughout in good faith, has expended on the foundation \$900, and is now liable to the contractor, who is at this time preparing the granite for the work.

JOSEPH D. SAYERS,
Governor.

On motion of Senator James, the Senate adjourned until 10 a. m. tomorrow.



Resolution of Respect.

By unanimous consent, the following resolution was offered:

BY SENATOR DIBRELL:

Resolved by the Senate of Texas, That the Death of the Hon. W. O. Hutchison, of San Marcos, formerly an honored member of this body, is learned with sorrow. Major Hutchison was in legal circles regarded as a profound and learned lawyer, in politics a patriotic and pure citizen, and in private life an amiable and lovable character.

Resolved further, that when the Senate adjourns today that it be in respect to the memory of Major W. O. Hutchison.

Adopted.

Senator Patterson moved that a page of the Journal be set apart for the appropriate publication of the above resolution.

So ordered.